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Attorney for Plaintiff

Chambers Copy – Do Not File
Judge Susan Illston
C05-01193 SI
Oliver v. City of Berkeley

FILED

JUL 28 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROOSEVELT OLIVER,

Plaintiff,

vs.

CITY OF BERKELEY, a municipal
corporation; JACK FRIEDMAN #146,
SGT. REECE, 1-100, inclusive,

Defendants.

Case No. C05-1193 SI

**STIPULATION AND PROPOSED ORDER
CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE**

Current Date: 7/29/2005, 2:00 p.m.

Proposed Date: 9/16 or 9/30/05 2:00 p.m.

THE PARTIES, BY AND THROUGH THEIR RESPECTIVE COUNSEL OF
RECORD, DO HEREBY STIPULATE AND AGREE THAT:

The Initial Case Management Conference, currently scheduled for July 29, 2005, at 2:00
p.m. should be continued to September 30, 2005 at 2:00 p.m.

The parties are requesting the continuance of the Initial Case Management Conference
for the following reasons:

1) Counsel for the parties are attempting to resolve the matter and hope to make
significant progress in that regard by September 30, 2005, and,

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2) Plaintiff's counsel also requests a continuance in order to complete the deposition of a party in the case of *Murphy v. City of Oakland*, C04-3062 TEH in preparation for an upcoming settlement conference before the Honorable James Larson on August 16, 2005. Due to the limited availability of counsel and the witness, it may be otherwise difficult to reschedule the deposition in that case prior to the settlement conference. Defendants' counsel is on vacation from July 22 to August 3, 2005.

In the event that the Court is not inclined to continue the Initial Case Management Conference, Plaintiff's counsel respectfully request that he be granted leave to appear for the Initial Case Management Conference by telephone, rather than in person, so that Plaintiff's counsel may proceed with the deposition in the *Murphy* action referred to above.

IT IS SO STIPULATED:

DATED: July 22, 2005

_____/S/_____
JAMES B. CHANIN
Attorney for Plaintiff


DATED: July 22, 2005

_____/S/_____
MATTHEW J. OREBIC
Attorney for Defendants

PURSUANT TO THE SITPULATION OF THE PARTIES,

IT IS HEREBY ORDERED THAT the Initial Case Management Conference shall be continued to September ²³~~30~~, 2005, at 2:00 p.m.

Dated: 7/28, 2005



SUSAN ILLSTON
Judge of the United States
District Court

STIP/ORDER CONT. CMC

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